

DAVIS WRIGHT TREMAINE LLP

Thomas R. Burke (CA State Bar No. 141930)
DAVIS WRIGHT TREMAINE LLP
505 Montgomery Street, Suite 800
San Francisco, California 94111
Telephone: (415) 276-6500
Facsimile: (415) 276-6599
Email: thomasburke@dwt.com

Matt Zimmerman (CA State Bar No. 212423)
ELECTRONIC FRONTIER FOUNDATION
454 Shotwell Street
San Francisco, California 94110
Telephone: (415) 436-9333
Facsimile: (415) 436-9993
Email: mattz@eff.org

Attorneys for Defendants
COUNCIL ON AMERICAN-ISLAMIC
RELATIONS, INC., COUNCIL ON AMERICAN
ISLAMIC RELATIONS ACTION NETWORK, INC.,
AND COUNCIL ON AMERICAN ISLAMIC
RELATIONS OF SANTA CLARA, INC.

IN THE UNITED STATES DISTRICT COURT
THE NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

MICHAEL SAVAGE,

Plaintiff,

v.

COUNCIL ON AMERICAN-ISLAMIC
RELATIONS, INC., COUNCIL ON
AMERICAN ISLAMIC RELATIONS
ACTION NETWORK, INC., COUNCIL ON
AMERICAN ISLAMIC RELATIONS OF
SANTA CLARA, INC., and DOES 3-100,

Defendants.

) Case No. CV07-06076 SI

) **SUPPLEMENTAL DECLARATION OF**
) **THOMAS R. BURKE IN SUPPORT OF**
) **CAIR'S MOTION FOR ATTORNEYS'**
) **FEES AND COSTS**

) Date: November 14, 2008

) Time: 9:00 a.m.

) Judge: The Honorable Susan Illston

1 I, Thomas R. Burke, declare as follows:

2 1. I am an attorney and a partner with Davis Wright Tremaine LLP, and lead counsel
3 for Defendants Council on American-Islamic Relations, Inc., Council on American-Islamic
4 Relations Action Network, Inc., and Council on American-Islamic Relations of Santa Clara, Inc.,
5 collectively (collectively "CAIR") in this action. I make the statements in this supplemental
6 declaration of my personal knowledge and could competently testify to them if called as a witness.

7 2. After being retained by CAIR in December of 2007, I dutifully informed my client
8 of each and every communication I received from Mr. Savage's counsel. Throughout this
9 representation, I never once received any "settlement" communications that in any way reflected a
10 sincere effort by Mr. Savage to voluntarily agree to a complete dismissal of this action, with
11 prejudice, and a full reimbursement of CAIR's legal expenses.

12 3. I billed a total of 11.20 hours in connection with work that was necessary to
13 prepare CAIR's Reply and supporting papers, including a complete review of Plaintiff's
14 voluminous Opposition and supporting documents. This time consisted of 3.70 hours on Friday,
15 October 24, 2008, to review and analyze Plaintiff's Opposition and all supporting papers and
16 outline strategy in support of CAIR's Reply; 1.30 hours on Monday, October 27, 2008, to further
17 review key portions of Plaintiff's Opposition and to confer with co-counsel and CAIR's
18 representative about the Reply approach; 3.10 hours on Wednesday, October 29, 2008, to review
19 and edit the draft Reply memorandum; 2.70 hours on Thursday, October 30, 2008, to further edit
20 the Reply memorandum and supporting documentation, confer with co-counsel on strategy issues
21 regarding arguments in the Reply and to prepare this supporting declaration; and 1.00 hour on
22 Friday, October 31, 2008 to finalize the Reply and supporting papers.

23 I declare under penalty of perjury under the laws of the United States that the foregoing is
24 true and correct. Executed in San Francisco, California, on October 31, 2008.

25
26 /s/ Thomas R. Burke

27 Thomas R. Burke
28